

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRIAN L. WHEELER,)
) CASE NO. C13-1773-JLR-MAT
Plaintiff,)
)
v.)
) REPORT AND RECOMMENDATION
CAROLYN W. COLVIN, Acting)
Commissioner of Social Security,)
)
Defendant.)
_____)

Plaintiff brought this action to seek judicial review of the denial of an application for disability benefits by the Commissioner of the Social Security Administration. The parties now stipulate this case should be reversed and remanded for further proceedings. (Dkt. 18.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Administrative Law Judge shall: (1) hold a *de novo* hearing and issue a new decision, and plaintiff may raise any issue and submit additional evidence in support of his claim; (2) update the treatment evidence on plaintiff's medical condition

01 including the examination and report from James Czysz, Psy.D.; (3) articulate how he has
02 evaluated the severity of all medically determinable mental impairments under the special
03 technique; (4) expressly evaluate all of the medical source opinions of record, explaining the
04 weight given to this opinion evidence; (5) further consider plaintiff's residual functional
05 capacity on the updated record, citing specific evidence in support of the assessed limitations;
06 (6) further consider whether plaintiff has past relevant work he could perform with the
07 limitations established by the evidence; (7) as appropriate, secure supplemental evidence from
08 a vocational expert to clarify the effect of the assessed limitations on plaintiff's occupational
09 base; and (8) if necessary, conduct a proper analysis of plaintiff's alcohol abuse in accordance
10 with 20 C.F.R. §§ 404.1535 and 416.935. Also, upon proper application, the Court will
11 consider plaintiff's application for attorneys' fees under the Equal Access to Justice Act, 24
12 U.S.C. § 2412, *et seq.*

13 The Court recommends that United States District Judge James L. Robart immediately
14 approve this Report and Recommendation and order the case REVERSED and REMANDED
15 for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A
16 proposed order accompanies this Report and Recommendation.

17 DATED this 4th day of April, 2014.

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20 Mary Alice Theiler
21 Chief United States Magistrate Judge
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